

Membership Balance Plan Advisory Council on Dependents' Education

Agency: Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, under the provision of 20 U.S.C. § 929, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 CFR § 102-3.50(a) (required by statute), established the Advisory Council on Dependents' Education (hereafter referred to as "the Council").
- 2. Mission/Function:** The Council, under the provisions of 20 U.S.C. § 929 and FACA, shall provide independent advice and recommendations to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness and the Director, Department of Defense Education Activity, on matters relating to the DoD dependents' education system and shall include:
 - a. General policies for operation of the DoD dependents' education system with respect to curriculum selection, administration, and operation of the system.
 - b. Information from other Federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the DoD dependents' education system.
 - c. The design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2).
 - d. Other tasks as may be required by the Secretary of Defense.
- 3. Points of View:** The Council, pursuant to 20 U.S.C. 929(a), shall be composed of the following 16 members:
 - a. The Secretary of Defense and the Secretary of Education or their respective designees;
 - b. Twelve appointed individuals who demonstrate an interest in the field of primary or secondary education, and who shall include representatives of professional employee organizations, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system; and
 - c. A representative of the Secretary of Defense and of the Secretary of Education.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Council, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Council members appointed by the Secretary of Defense and the Secretary of Education, who are not full-time or permanent part-time Federal employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees. Council members shall be appointed on an annual basis by the Secretary of Defense and the Secretary of Education.

The Council's membership balance is not static and the Secretary of Defense and the Secretary of Education may change the membership based upon work assigned to the Council. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

- 4. Other Balance Factors:** N/A

Membership Balance Plan

Advisory Council on Dependents' Education

- 5. Candidate Identification Process:** The Department of Defense and Department of Education, in selecting potential candidates for this advisory committee, review the educational and professional credentials of individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system. The Council's Designated Federal Officer requests a list of potential candidates from both the Department of Defense and Department of Education. Senior officials from both Departments identify and submit a list of potential candidates, along with their biographies and nomination memos, to the Director, Department of Defense Education Activity. The Director, Department of Defense Education Activity reviews and submits a list of potential candidates to the Under Secretary of Defense for Personnel and Readiness.

Once potential candidates are identified, the Under Secretary of Defense for Personnel and Readiness reviews the credentials of each individual and narrows the list of potential candidates. During the Under Secretary's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Council to achieve expertise in points of view regarding anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the Department of Defense Office of General Counsel (DoD OGC) and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the advisory committee's charter and membership balance plan. Following this review, the Under Secretary formally nominates the potential candidates to the Secretary of Defense and the Secretary of Education for approval.

Following approval by the Secretary of Defense and Secretary of Education, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Council and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above. The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of Education may approve the appointment of Committee members for one-to-four year terms of service, except for representatives of professional employee organizations, whose terms of service shall be three years; however, no member, unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service. This same term of service limitation also applies to any authorized subcommittees for the Council.

- 6. Subcommittee Balance:** The Department of Defense, when necessary and consistent with the Council's mission and DoD policies and procedures, may establish subcommittees to support the Council. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Council's sponsor.

The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of Education, shall approve the appointment of subcommittee members in the same manner as the

Membership Balance Plan
Advisory Council on Dependents' Education

Council appointments are made. These individuals may come from the Council or new nominees, as recommended by the Council's sponsor and based upon the subject matter under consideration, but they must be approved by the Secretary of Defense and the Secretary of Education before participating in the subcommittee's work.

As required by the Council's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

7. **Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
8. **Prepared:** May 25, 2012